

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

CHRISTOPHER GOLDEN

PLAINTIFF

V.

CIVIL ACTION NO. 5:08cv156-MTP

FORREST COUNTY, et al.

DEFENDANTS

ORDER SETTING TRIAL

This matter is before the court *sua sponte* for case management purposes. On April 27, 2010, the court held a pre-trial conference in this matter. Accordingly, the court finds that this matter is ready to proceed to trial.¹

IT IS THEREFORE ORDERED:

1. This matter is set for a jury trial on May 26, 2010, at 9:00 a.m. before the undersigned at **United States Courthouse, 109 South Pearl Street, Natchez, Mississippi**.
2. At the pre-trial conference, the court distributed standard jury instructions to the parties for their review. If the parties desire to submit any additional jury instructions, they shall do so on or before May 11, 2010.
3. In a previous Order [62], the court rendered rulings on which exhibits and testimony would be allowed at trial. Those rulings remain in effect, with the following modifications:
 - a. Plaintiff's witness Leticia Gains is no longer employed at Wilkinson

¹ The remaining claims in this lawsuit are set forth in the court's Memorandum Opinion and Order [54].

County Correctional Facility (WCCF) and, therefore, the court will not be issuing a subpoena to compel her attendance at trial, as set forth in the court's prior Order [62]. If Plaintiff desires for Ms. Gains to testify at trial, it is his responsibility to procure her attendance.

- b. Defendants shall confirm whether the remainder of Plaintiff's witnesses who previously were employed at WCCF are still employed there, on or before May 10, 2010. As Plaintiff has retained counsel, it is Plaintiff's responsibility to issue any necessary subpoenas or to otherwise procure the attendance of his proposed trial witnesses.²

- 4. Defendants shall mail a copy of their trial exhibits to Plaintiff and the court within ten days.

SO ORDERED, this the 3rd day of May, 2010

s/ Michael T. Parker
United States Magistrate Judge

² However, the court will issue a writ of *habeas corpus ad testificandum* to compel Theotis Malone's attendance at trial, as Mr. Malone is in the custody of the Mississippi Department of Corrections.